

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

C&S WHOLESALE GROCERS, INC.,

Plaintiff,

v.

GROCERY HAULERS, INC.,

Defendant.

Civil Action No: 1-11-cv-00127-LM

**JOINT STIPULATION AND
ORDER TO MODIFY DISCOVERY PLAN**

WHEREAS, the Plaintiff C&S Wholesale Grocers, Inc. (“C&S”) and the Defendant Grocery Haulers, Inc. (“GHI”) have been actively engaged in conducting discovery in the above-captioned matter, and have exchanged initial disclosures, requests for the production of documents and responses, and interrogatories and answers to interrogatories;

WHEREAS the Parties have also been actively engaged in discovery in a parallel proceeding between the Parties pending in the United States District Court for the Southern District of New York, styled as *Grocery Haulers, Inc. v. C&S Wholesale Grocers, Inc.*, U.S.D.C. S.D.N.Y., Civil Action No: 11-CIV-3130, and the Parties have recently received a notice from the Southern District indicating that the case is placed on the April 30, 2012 trial ready calendar;

WHEREAS, although the Parties have worked diligently to comply with the Discovery Plan as approved by the Court in the above-captioned matter, additional time will likely be necessary in the instant action;

NOW, THEREFORE, the Parties hereby stipulate and agree, and propose to the Court for entry as an Order, that the discovery plan originally proposed by the Parties and entered by the Court be modified as follows:

1. Date all discovery will be completed (including expert discovery): August 3, 2012;
2. Date fact discovery will be completed: May 31, 2012;
3. Date of expert disclosure by party bearing burden of proof as to the claim or defense that is subject of such expert's testimony: June 15, 2012;
4. Date of disclosure of any rebuttal expert(s): July 6, 2012;
5. Date for Motions for Summary Judgment: August 13, 2012;
6. Trial shall take place the trial period beginning December 11, 2012;

Dated: February 28, 2012

Respectfully Submitted,

C&S WHOLESALE GROCERS, INC.,

By its attorneys,

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GROCERY HAULERS, INC.

By its attorneys,

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SO ORDERED:

/s/Daniel J. Lynch
Hon. Daniel J. Lynch
U.S. Magistrate Judge
Date: 2/28/2012